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Human trafficking

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Abstract: We argue in this chapter that the concept of human trafficking supports states' efforts to control migration by sorting migrants into victims and non-victims, and by demonising those who facilitate irregular movement across borders. This provides a justification for returning both groups to their countries of origin while giving states a morally high-grounded reason to police migration. We begin by looking at the origins of the trafficking concept in campaigns against prostitution and the movement of unaccompanied white women in the late 1800s and early 1900s. We trace how this combined with efforts to rid the world of child labour and concerns over the migration that accompanied globalisation to create the current international trafficking regime in the early 2000s. We end with a series of vignettes from recent ethnographic literature that demonstrate the inadequacy of the regime's categories as well as the resistance of those seeking to navigate them.

Keywords: *Human trafficking, modern slavery, labour exploitation, irregular migration, border enforcement, white slave traffic.*

Introduction

The fight against 'human trafficking' has, since the 1990s, become a cause célèbre of modern politics. It is a bipartisan issue that everybody can be safely for and that nobody wants to be against (Quirk and Bunting 2014). It has been championed by high profile political figures as diverse as Theresa May, George Bush, Robert Mugabe and Ivanka Trump, and many thousands of NGOs around the world are working right now to eradicate it (Ibid.). But popular as the cause is, it is not without its critics. Today there are two broad camps within anti-trafficking work with academics, practitioners, policymakers and activists on both sides. One side views human trafficking first and foremost as a crime, perpetrated by individuals upon other individuals, which can be stopped through sufficient enforcement and prevention. The other side views trafficking as the far end of a spectrum of

exploitation brought about by the regularly functioning, structural mechanisms of modern-day capitalism.

Firmly grounded in this second perspective, we argue in this chapter that the traction afforded to the discourse of human trafficking has made it a unique and powerful tool of migration governance. It operates primarily by creating a zone of exception within the broader landscape of labour migration. Inside this zone, we are told by anti-trafficking advocates, criminals move people forcibly or through deception in order to exploit them. This movement is said to constitute an egregious abuse of vulnerability, a violation of human rights, and a crime, and governments thus have a duty to prevent it.

This framing has several effects. First, it gives states a morally high-grounded reason to treat mobility with suspicion, to patrol borders, and to return migrants to their countries of origin. Second, it reduces the field of concern to that zone of exception, rendering everything that falls outside of its narrow scope 'unexceptional' and thus unworthy of attention, resources, and care. Third, it reinforces and complements damaging narratives around 'illegal migration' and 'illegal migrants', dichotomously positioning these against 'human trafficking victims' – if they are not victims then they have no excuse for breaking the law.

As such, we argue that the concept of human trafficking performs a sorting function within migration management regimes. We show this by taking a close look at the three central categories that it creates – victims of trafficking, traffickers, and non-victims of trafficking. After detailing the genesis, trajectory, and expansion of the trafficking concept over the past 150 years, we look at a series of short contemporary examples taken from the latest critical and ethnographic literature to demonstrate how those navigating the trafficking web interact with their categorisation and the wider trafficking regime.

The 'white slave traffic' and the creation of trafficking

The origins of the concept 'human trafficking' date back to the mid-1800s, and for most of its history it has been exclusively associated with the movement of women and children for the purposes of prostitution. Today's global anti-trafficking regime is the product of over a century of efforts in Europe and the United States to police female sexuality and/or abolish the sex trade.

The second half of the nineteenth century saw greatly increased movement within Europe and the US, and from Europe to the US and the European colonies (Doezema 1999, p. 39). Especially more unaccompanied women were on the move than before. This troubled social campaigners. They disapproved of single women living unchaperoned in foreign cities and feared that many would enter

prostitution or behave otherwise 'immorally' as a result of their new autonomy. Made anxious by this loss of control and unable to conceive of it as a change that 'good' women would voluntarily embrace, activists on both sides of the Atlantic began calling for their governments to crack down on what they dubbed the 'white slave traffic' (Ibid., p. 41). This alarmist framing drew heavily on the trope of female victimisation by foreign men to drum up support, setting the groundwork for a conceptualisation of trafficking that is still with us today.

The categories of trafficking

The discourse created by and surrounding the white slave traffic categorised people in three main ways: those unknowingly trapped in a horrible fate (victims of trafficking); those involved in bringing about that fate (traffickers); and those responsible for their own suffering (non-victims of trafficking). These categories, which were racially and imperially coded, are still present. The people who have been slotted into them, however, have shifted over time.

Victims of trafficking in this incipient phase were constructed as 'white', literally in terms of skin colour and figuratively in terms of innocence. The archetypal victim was, as US Senator Mann described them when arguing for the 1910 White-Slave Traffic Act, "those women and girls who, if given a fair chance, would, in all human probability, have been good wives and mothers and useful citizens" (Beckman 1983, p. 1117). Similarly, for Europeans, "It was inconceivable that their female compatriots would willingly submit to sexual commerce with foreign, racially varied men. In one way or another these women must have been trapped and victimised" (Guy 1992, p. 203). This framing, Doezema (1999, p. 28) argues, was crucial to the success of these early campaigns and helped generate popular support for reformers' ultimate goal of abolishing all prostitution. Purity and victimhood were thus essentially linked in this conception. Women who willingly entered prostitution lost their perceived purity and with it their inscribed 'whiteness' (Lammasniemi 2017, p. 67).

Those responsible for victimising, those labelled as traffickers, were constructed as 'non-white'. Campaigns portrayed foreigners, immigrants, and other racialised men as dangerous to young white women and held them responsible for the 'traffic' (Doezema 1999, p. 28; see also Leigh 2015). In the US, this fear of the Other channelled a conservative reaction against changing cities in which immigrants, black Americans, and single white women started to mix and live alongside each other (Whyte 2013, p. 133), while in imperial territories the threat was seen lurking in the immorality of host societies as a whole (Guy 1991, p. 12). For reform-minded campaigners, Whyte (2013, p. 133) argues, "White slavery narratives provided a perfect template for constructing the idea of the foreign menace."

Non-victims of the white slave traffic were those individuals excluded from the circle of care because they were identified as non-white or somehow impure (and thus undeserving). Black prostitutes were of little concern for US campaigners (Mumford 1997, p. 14). And while the 1875 Page Act banned the entry of foreign prostitutes, especially from Asia, it certainly did not seek to help them (Pliley 2015). In British colonies like Hong Kong, it was argued that Chinese prostitutes “were habituated to sexual slavery, owned and trained to the life” (Howell 2000, p. 332). As such, they “did not deserve the tenderheartedness of their benefactors, and whatever philanthropy they received was not based in any event on the ascription of liberal virtues” (Ibid.). In Britain itself, the Criminal Law Amendment Act 1885, which defined a trafficked woman in the UK for the first time, drew a sharp distinction between the unwilling victim and the willing prostitute. A woman could not be trafficked if she lived in a brothel. The Act further exempted “common prostitutes” from its protections, making it “a misdemeanour to procure or attempt to procure ‘any girl or woman under twenty-one years of age, *not being a common prostitute, or of known immoral character*, to have unlawful carnal connexion, either within or without the Queen’s dominions”” (Lammasniemi 2017, p. 69) (emphasis added).

Responding to the white slave traffic

The advocacy and policy response to the white slave traffic focused on controlling women’s movement and punishing those abetting it. On the one hand, “Reformers sought to keep women at home and under [the] control of families by warning them of dangers of sexual exploitation abroad” (Whyte 2013, p. 131). On the other, various laws and treaties sought to protect victims, punish perpetrators, and separate out non-victims from victims. Their main consequence, as is the case with contemporary anti-trafficking policy, was to intervene in women’s mobility while strengthening immigration controls and bureaucracies.

Legal changes began with the passage of the 1875 Page Act in the US and the Criminal Law Amendment Act 1885 in the UK. A series of immigration acts passed in the US between 1903 and 1917, the US 1910 White-Slave Traffic Act, and the UK Aliens Act 1905 gave authorities on both sides of the Atlantic the power to monitor transit points for ‘undesirable’ women, detain them and those assisting them, and prosecute or deport them (Lammasniemi 2017; Pliley 2015). A series of international agreements were also concluded that committed governments to monitoring travelling women or girls who “were destined for an immoral life” (United Nations 1904).¹ They culminated in the 1950 ‘Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others’.

¹ See the UN website for a complete list: <https://treaties.un.org/pages/CTCTreaties.aspx?id=7&subid=A&clang=en>

This, like the agreements preceding it, associated the term 'traffic' exclusively with the movement of people for the purposes of prostitution and focused on punishing those facilitating that movement.

Anti-trafficking activism subsided with the conclusion of the 1950 Convention, only to resurface 20 years later when radical feminists such as Kathleen Barry began to concern themselves with the sex trade in the context of the Vietnam War. However, it was not until the 1990s that the trafficking discourse once again gained substantial traction. When it did, the framings and ideas from its initial period were to prove critical. As Whyte (2013, p. 125) argues, "The construction of the white, innocent victim of prostitution so central to the 'white slavery' in many ways shaped the construction and understanding of contemporary human trafficking."

The rediscovery and expansion of trafficking

Popular and political interest in trafficking exploded over the course of the 1990s. Scholars have suggested a number of possible reasons why. The break-down of the old Soviet Union (Berman 2003), the spread of neoliberal economic globalisation (Limoncelli 2009; Sharma 2003), the rise in transnational organised crime (Derks 2000), and the increasing rigidity of Western immigration regimes (Anderson 2000; Andrijasevic 2010) have all been cited as key factors. Whilst competing narratives abound, there is general agreement on two key matters. On the one hand, a variety of economic, political, and environmental processes combined to make the livelihoods of workers more precarious, prompting many to attempt migration (Shelley 2010). On the other, the space for their legal movement and protection by national governments diminished, resulting in greater illegalised movement and, with it, greater opportunities for exploitation (Sharma 2003). The confluence of these and other factors not only put new wind in the sails of an old concept, but expanded its scope to encompass other types of movement associated with coercion and exploitation. Specifically, child trafficking and labour trafficking were added to sex trafficking in this period.

The invention of child and labour trafficking

'Trafficking in children', despite being a recent addition to the field, has roots in the same nineteenth century, English, middle-class mores as its parent concepts, 'child labour' and 'human trafficking'. British activists and politicians influenced by the Romantic movement understood childhood as a time of bucolic innocence, play, and rest. Work had little place in that conception. However, their Protestant concern for piety, social order, and discipline made them also see children as creatures to be formed and controlled. Their solution was to campaign throughout the nineteenth and twentieth centuries to replace children's work with mandated

formal education (Hendick 1997; see also Bourdillon *et al.*, 2010). Their success is evident in the unquestioned dominance of this model in most rich countries today (Dahlén 2007; Fyfe 2007), as well as in the way this model is still pushed upon countries with other understandings of what is 'normal' for children – including through the imposition of the child trafficking concept.

Child trafficking emerged as a distinct issue in the 1990s when these on-going anti-child work campaigns began to mix with growing concern around children's rights violations, especially children's sexual exploitation. The UN Convention on the Rights of the Child was adopted in 1989, the International Programme on the Elimination of Child Labour (IPEC) was set up in 1992, and the World Congress against the Commercial Sexual Exploitation of Children was held in 1996. This push culminated in 2000 when children were included within the 'Palermo Protocol' (Howard 2017), the main piece of international legislation on trafficking that we discuss in further detail below.

As these changes were taking place in the field of child labour, a growing number of feminist organisations were lobbying the Clinton Administration about the 'sexual slavery' of women both at home and abroad (Chuang 2006). Their efforts were paralleled elsewhere, greatly increasing global attention to trafficking during this period (Kempadoo *et al.* 2005). This vibrant engagement around the concept of trafficking came at a time when the number of people crossing borders to find work was on the rise, as was the involvement of organised crime networks in facilitating that movement, prompting governments to see exploitative yet non-sexual migrant labour through the trafficking lens as well (Chuang 2006, p. 449; see also C.deBaca 2018). This was helped along by the work of some progressive NGOs, which, in order to push back against the exclusive association of trafficking with prostitution, were struggling to get a broader definition of labour trafficking on the agenda.

The three strands of sex, children, and labour trafficking came together in two policy instruments at the turn of the millennium which, together, represent the legal heart of global trafficking discourse and the base from which anti-trafficking policy has spread around the world.

The creation of the contemporary global trafficking regime

In 1998, President Clinton responded to the political pressures and trends described above with a new anti-trafficking framework that emphasised the so-called three P's: prevention, protection, and prosecution (Chuang 2006, p. 449). It led, through the various stages of US law-making, to the Trafficking Victims Protection Act (TVPA) of 2000. This established: a series of domestic definitions around trafficking; a set of minimum standards for the elimination of trafficking;

a sanctions regime linking certain types of financial assistance to compliance with those standards; and a specialised office to monitor that compliance (Ibid.). The influence of the TVPA on other countries has been immense.

The TVPA has reinforced the categorical delineations first set out in the campaigns against the white slave traffic. Chapkis (2003, p. 924) describes how “the legislation works to neatly divide ‘violated innocents’ from ‘illegal immigrants’ along the lines of sex and gender ... carefully differentiat[ing] between ‘innocent’ and ‘guilty’ prostitutes and provid[ing] support only to the innocent” – those declared victims of ‘severe forms of trafficking in persons’. In separating these two groups on this basis of inscribed victimhood, she argues that the American government was able to justify limiting its concern to the first group and the punitive measures meted out to the second group.

The trafficking regime was established at the international level on the back of the TVPA. In concert with these developments in Washington DC, the international community came together in Vienna to draft a convention on transnational organised crime, with an addendum protocol that would address human trafficking. Though deeply polarised debate raged about the final definitional content of this protocol (Chuang 2006; Dittmore and Wijers 2003), ultimately the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the Convention on Transnational Organised Crime was finalised in 2000. It came into force three years later. It revolves around three key elements: an action (recruit, transport, harbour, receipt); a means (threat or use of force or other forms of coercion); and a purpose (exploitation) (Kotiswaran 2014). In full, the current, international definition of trafficking found in the Palermo Protocol is as follows:

(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age’ (UN 2000).

We use the common shorthand of ‘Palermo Protocol’ to refer to this definition in the remainder of the chapter.

The contents of the Palermo Protocol remain a matter of great debate, and it is hardly the only operational definition currently in use (see Kotiswaran 2014). What is certain, however, is that its promulgation and subsequent ratification by countries around the world heralded an unprecedented global expansion of publications, media attention, project money, legal initiatives, and political rhetoric on trafficking. This has institutionalised, to an extent never before seen, the project of sorting ‘deserving’ from ‘undeserving’ migrants and using those categories as a basis for governing their further movement.

Navigating the trafficking regime

The combined forces of the Palermo Protocol and the US TVPA expanded the concept of trafficking and led to an explosion of anti-trafficking policy and activism. This has made the three main categories of the trafficking paradigm – victim, non-victim, and trafficker – more relevant to more people than ever before. However, recent ethnographic research, particularly into the dynamics of labour migration for precarious and informal work, demonstrates that, when lived, these categories are rarely – if ever – as clear cut as policymakers and certain activists suggest. Four brief examples give a taste of how these categories blur in practice, as well as the effects that they have on migrants’ social positions and lived experiences. They are taken from a large and growing body of critical and ethnographic scholarship that seeks to explain how exploitation functions in the global economy and why individuals end up in exploitative labour situations. Similar stories to each of the examples given here can be found in this literature across a wide range of geographic and sectoral contexts. These accounts show not only that, in contrast to the ideal triptych of victim, perpetrator and non-victim, reality is more complex, but also that the omission of this complexity by trafficking’s political categories renders individuals more vulnerable and thus more governable.

In particular, we find that the perfect, agency-less victim is hard to find. Rather, the vast majority of workers on the move who are defined, policed, or otherwise governed as victims of trafficking continue to exercise their agency while entering into, working under, or resisting exploitative labour relations. Research shows time and time again that structural constraints rather than individualised force are almost always the dominant factor driving their decisions (LeBaron *et al.* 2018). At the same time, it highlights how non-victims of trafficking frequently operate under many of the same structural constraints as declared victims. The two groups are separated more by who they are and where they come from than by what they are going through. What studies exist on migration facilitation,

meanwhile, demonstrates the enormous range of roles and motivations that putative ‘traffickers’ inhabit, and puts the lie to any attempt to condense them into a single criminal box.

Migrant sex workers in Europe

Sex workers are some of the most organised and vociferous advocates of their own rights to be found anywhere within the global informal economy (e.g. Comitato 2017; Vollbehr 2017). Despite performing a highly stigmatised job within a generally hostile legal landscape, they maintain a web of self-driven organisations that support workers internally and push their interests externally. As the paradigmatic trafficking victim, at least when cis female, sex workers have long been at the sharp end of anti-trafficking policy. Policies in which, in the words of Ava Caradonna and the X:Talk project, “We are criminalised, arrested, and rescued for ‘our own good’” (Caradonna and X:Talk Project 2016). For this reason, key to these organisations’ activities has been to advocate for the decriminalisation of sex work while “critiq[ing] the trafficking paradigm that conflates representations of sex work, migration, and mobility” – a stated priority area of the Global Network of Sex Work Projects (NSWP 2019; see also ICRSE 2016; NSWP 2015).

Despite sex work itself being legal in many parts of Europe, anti-trafficking and anti-prostitution policies severely restrict its practice by criminalising many of the activities associated with the profession, like renting work space or being a client (Syndicat du travail sexuel 2016; Thesslund and Okyere 2018). Furthermore, the high proportion of migrants among sex workers means that, even where sex work is allowed, immigration status remains a second layer of criminalisation and discrimination that excludes many workers from accessing this safer space (e.g. Armstrong 2018). As Caradonna and X:Talk Project (2016) explain, undocumented sex workers in the UK face deportation upon discovery, and those with legal status can lose it “because engaging in sex work can be interpreted as a violation of the ‘good character’ clause of UK immigration laws”. Sex workers from Germany report a similar situation, one which “inherently excludes migrants, asylum seekers and many of the other most vulnerable groups in society that consciously engage in sex work to simply survive” (Berlin-Based Sex Workers 2016). Thus, “If we are caught in the act of working, our best immediate survival strategy is to argue that we were NOT working and that we were in fact coerced” (Caradonna and X:Talk Project 2016; see also Plambeck 2014).

This leads to a confusing situation. Sex workers fully acknowledge the violence and exploitation that plagues the industry (Macioti and Geymonat 2016). Many nevertheless insist on and demonstrably exercise their agency by both overcoming the hurdles of their work and by self-organising. Yet, because of their immigration status or other anti-prostitution laws, if they are arrested these same

individuals must claim coercion, helplessness, and victimisation in order to not be (as harshly) punished by the state.

Child workers in West Africa

In many ways, West Africa can be seen as ground zero in the so-called 'war' on child trafficking. Regularly depicted as a 'hotspot', it has been a testing ground for international anti-trafficking interventions, many of which have had disastrous consequences for children and their communities (Okyere 2013; Huijsmans and Baker 2012; Howard 2017).

The dominant discourse found in media accounts and the policy world constructs child trafficking as a case of innocent victim minors tricked or trapped by unscrupulous adults willing to exploit them. Poverty and a racially-encoded 'cultural backwardness' often feature in the narrative, with the implication that non-white populations are yet to evolve appropriate child-rearing strategies and are too poor not to let their children be exploited (Okyere 2018). Predictably, the kinds of policies and projects attached to this discourse are interventionist, top-down, and at times heavily disciplinary. In West Africa, they centre around efforts to ban children from working and prevent the migration that leads to that work (Howard 2017). Under this model, children are always and necessarily victims, whose mobility must be curtailed for their own good.

People across the region have been impacted by these interventions. Border arrests have become more frequent and many communities have stories of children's adult companions being detained as traffickers. Children too have been detained, 'rescued' from work deemed exploitative and repatriated to places they willingly left. In short, tens of millions of dollars have been wasted on quixotic attempts to convince poor peasants that there really is no place like home (Ibid.).

Many remain unconvinced. Ethnographic research across the region has demonstrated how normal it is for adolescents to engage in short or long term labour migration as part of the transition to social adulthood and in order to earn the money necessary to achieve their varied goals. In Ghana, Hashim (2005) found youngsters on the move in an effort to save up for school; in Burkina, Thorsen (2007) found bicycles to be the goal; while in Nigeria, money or a motorbike were the reward (Howard 2017). In each case, anti-traffickers sought to prevent children's mobility and in each case they went anyway, often with the help of individuals they see as facilitators and the anti-trafficking community as traffickers. These children's actions expose as facile the simplistic discursive division of people who are victims of trafficking, people who are perpetrators, and people who are neither, and shows their resistance to interventions they see as a hindrance rather than a benefit to their well-being.

Agricultural labour in Italy

Italian NGOs and trade unions argue passionately that exploitative conditions prevailing in the southern tomato growing district of Foggia are tantamount to trafficking and slavery. Yet recent ethnographic research by Howard and Forin (2019) shows that, while the workers agree they are exploited, they reject the suggestion that they are pure victims who have lost their agency in the process. As one West African worker interviewed said, “Some are exploited more than others, but in the end things are tough for most of us. Take me for example: after 18 years in Italy I am here working hard for very little money and without a proper contract. But that’s what I’ve decided to do”. Other workers pointed out that achieving their goals is made difficult by racism and, for many, a lack of papers. Thus “hustling at harvest time is often the best option they have” (Ibid).

Peano (2017), who has also conducted research in Foggia, describes this “ordinarily exceptional space” as governed by “extra-legal arrangements operat[ing] side by side with a series of legal mechanisms to fragment, control and discipline labourers, their mobility and most aspects of their existence.” Yet, she found that the residential areas “have also acted as hotbeds of protest and revolt. Dwellers of these spaces, in Foggia and elsewhere in Italy, have not only engaged in acts of spontaneous rebellion but, also, especially since 2015, started to self-organise in a more structured faction ... concerning their legal status, residency rights, and police abuse” (Ibid.). In other words, exploitation is understood as part and parcel of the job in Foggia. Workers are not surprised to discover it, nor are they willing to tolerate it beyond certain bounds.

Facilitators in migration and work

The Palermo Protocol’s definition of what it means to engage in trafficking is so broad that it can conceivably encompass everybody from the most hardened criminals to a woman with an apartment for rent; a taxi driver hired to take somebody down the road; a travel organiser specialised in circumventing border controls; and a labour placement middleman. Scholars researching human smuggling and migration facilitation have found that smuggling networks have more to do with these latter types of people than with the crime boss puppet masters of the popular imagination. Networks are usually comprised of loose, decentralised collections of people performing small, mundane actions that slowly move people toward where they want to go (Achilli and Sanchez 2016). Their reasons for doing so are as varied as they are, yet increasingly severe penalties for trafficking make involvement in this business, regardless of how much they’re doing so “for the purpose of exploitation”, extremely risky.

Achilli’s (2018) ethnographic research on the Turkish coast paints a picture of individuals using their networks and know-how to provide services

overwhelmingly to people seeking those services. While accepting that “not all smugglers are good”, and that opportunities for exploitation exist and are sometimes taken, the men he interviewed position themselves as moral actors working to help people overcome the moral failings of government. One smuggler, who had also fled the war in Syria, framed his job as a duty of care: “We are different from many other smuggling groups. There are smugglers who don’t care about their customers. For us it is our duty to help them. These people are not only my customers: they are my brothers” (Ibid.).

The labour middle men Howard and Forin (2019) found in the Foggian fields, the *caporali*, portray themselves in remarkably similar ways as the Syrian facilitators on the Turkish coast. They have secured a legal status, can speak both Italian and the languages of the workers, and have developed networks of farmers who require labour for the harvest. This sets them up in a privileged position vis-a-vis other workers. At the same time, they operate in an area where there are far more workers than work, and where everybody’s profit – except for the multinational grocery stores themselves – is extraordinarily low. This positions them as powerful arbiters over an inherently exploitative system. The *caporali* presented in this research portray themselves as ‘guides’ out to make money, but insist they do not transgress certain bounds and feel a duty of care to the other workers of the community. When asked what could improve the situation, they laid the responsibility at the feet of the state: “Give everyone papers, give them work, and leave them alone” (Ibid.).

Conclusion

These vignettes only scratch the surface of current research into the self-representation and self-care of those navigating the categories laid down by the trafficking regime: the passive victim, the agentic non-victim, and the criminal trafficker. While the lived realities for each are not nearly as clear cut as the dominant discourse would have them, each remains severely constrained by the category into which they fall. ‘Trafficking victims’ must deny their own agency to have a chance at accessing services and protections, or do their best to avoid detection by anti-traffickers when willingly migrating for work. They know their own desires and abilities will be counted against them if they are discovered. ‘Non-victims of trafficking’ are excluded from protections, regardless of how similar their working conditions are to those of the ‘victims’. As non-victims they are positioned as having no excuse for breaking the law and thus can expect deportation without ceremony when they are caught. And ‘traffickers’ operate under the threat of increasingly well-fortified legal frameworks and well-resourced law enforcement offices as they go about their business, even though most of them have neither the means nor the interest in exploiting migrants beyond making a profit.

As such, one of the main governance effects of trafficking has been to collapse the nuance found in whole sectors of the economy – from sex work to tomato picking to facilitated irregular migration – into the monochrome palette of good and evil. This wreaks havoc on those caught up in its net. It also elides the fluidity of experience documented in ethnographic research that raises fundamental questions about its use as a tool for migration governance. An approach most closely aligned with the experiences of those on the move would begin by acknowledging that individuals move in and out of exploitative circumstances as they undertake migratory journeys. Depending on the moment they enter situations with more or less control, and can even move back and forth over the facilitator/facilitated dividing line when necessary.

The concept of trafficking and its application in law and policy both rest on the notions of individualised exploitation, victimhood, and criminality. But as the critical scholarship highlighted in this piece demonstrates, this ignores the structural factors and economic realities that prompt people to seek work elsewhere, and, under the guise of ‘rescue’, generally sends them back to where they came from without asking. With few exceptions this helps neither the ‘victims’ nor the ‘non-victims’, and creates a never-ending demand for facilitators’ services in the process.

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